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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,043	12/18/2001	Steven G. Henry	10016441-1	6084

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EXAMINER

SHAH, SANJIV

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,043

Applicant(s)

HENRY, STEVEN G.

Examiner

Sanjiv D. Shah

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-12, 14-22, 24-27, 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al. (Patent # 5,963,966).

Regarding claims 1, 15, 29 and 34, Mitchell et al. teaches a method for accessing network data associated with a document, (See fig 3) comprising;
converting at least a portion of said document to electronic format with a digital capture input device, (See fig 5, element Scan, wherein paper document is scanned. It is inherent that a scanner is used which is a digital capture input device) the at least a portion of said document having one or more indicia thereon, (See fig 2, element indexing on portion of document. Also see col. 2, lines 60-65) the digital capture input device being operatively associated with a network (Since data is converted in to electronic format accessible by network or Internet as described in the abstract, lines 1-3, it is inherent that scanner is operatively associated with network)
analyzing the at least a portion of said document in electronic format to obtain said one or more indicia (See fig 2, element indexing. Also see col. 2, lines 60-65, wherein indexing information is obtained)

using said one or more indicia to locate said network data, (stored document is considered a network data) said network data being maintained at another device operatively associated with the network; (fig 2, element processing environment wherein a network data is obtained and accessing said network data. (fig 3, element user accessing and retrieving networking information. It is inherent network data is located on network server (another device)

Regarding claims 2, 17, and 31, Mitchell et al. teaches the claimed invention of indexing comprising portion of text and document as described in col. 2, lines 60-67, wherein Mitchell teaches indexing schemes to retrieve pages containing graphics and text as described in col. 2, lines 67-col. 3, lines 10 and as shown in fig 2, element tagged version text/graphics

Regarding claims 3, 18 and 32, Mitchell teaches the claimed invention of providing the at least a portion of said document with one or more tags before the at least a portion of said document is converted to electronic format with said digital capture input device; analyzing the at least a portion of said document in electronic format to obtain said one or more tags; and using said one or more tags to locate said network data. (See fig 2, wherein portion of document is tagged before being converted into electronic format. Portion is indexed which is equivalent to analyzing to obtain tag information and to obtain network data. Also see col. 3, lines 1-10)

Regarding claims 4, 19, and 33, Mitchell teaches HTML tags. It is inherent tags are HTML tags which are machine readable as claimed.

Regarding claims 5, 6, 10, 20, 21 and 25, Mitchell et al. teaches the claimed invention of receiving network data at user or input device is shown in fig 3, element user display.

Regarding claims 7 and 22, Mitchell et al. teaches the claimed invention of printing network data as described in col. 2, lines 30-34. Also see fig 15, which describes printing at different resolutions.

Regarding claims 9 and 24, Mitchell teaches the claimed invention of receiving data at network device as described in abstract lines 1-3.

Regarding claims 11 and 26, Mitchell et al. teaches the claimed invention of sending portion of document from scanner to user is shown in fig 3.

Regarding claims 12 and 27, Mitchell et al teaches obtaining one or more indicia using character recognition is shown in fig 2, element indexing and OCR. OCR is also shown in fig 3

Regarding claims 14, 16, and 30, Mitchell teaches scanning as described above. It is inherent that scanner is multi-function device with scanning and converting functions.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (Patent # 5,963,966).

Regarding claims 8 and 23, Mitchell et al. teaches the claimed invention as described above with respect to claim 1. Mitchell et al. teaches receiving network data through Internet as described in abstract, lines 1-3. However it fails to teach receiving as e-mail. E-mail is received through Internet as is well known in the art. An official notice is taken. Therefore it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate well-known method of receiving data with e-mail in the method of Mitchell et al. because it provides customized data.

5. Claim 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al (Patent # 5,963,966) in view of Block et al. (Patent # 6,295,543).

As per claim 13 and 28, Mitchell et al. teaches the claimed invention as described above with respect to claim 1. Mitchell et al. fails to teach determining frequency for each of one or more words, comparing the frequency to word frequency list and using a result to locate network data.

However, Block et al. does. Specifically Block et al. teaches the claimed invention of determining frequency for each of one or more words, (fig 3, element frequency calculation. Also see col. 3, lines 45-55) comparing the frequency to word frequency list and using a result to locate network data. (Block et al. teaches calculating correlation between word and class based on frequency, which is interpreted equivalent to claimed comparison).

Therefore it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate frequency calculation in the method of Mitchell et al. because it provides relevance data for classification purposes, which is desired.

Response to Arguments

6. Applicant's arguments filed 9/30/2005 have been fully considered but they are not persuasive.

Applicant argues that cited prior art fails to teach "using one or more indicia to locate network data, said data being maintained at another device". Specifically on page 10, lines 12 of his arguments applicants' states that "Mitchell does not disclose or suggest

using any indicia on the document itself to locate **other information** (i.e. network data in the pending claims).

Examiner disagrees. Specifically, as cited in body of rejection, Mitchell teaches the claimed limitation of using the indicia to obtain network data (Since the document is stored on network server, retrieving document using indicia as taught by Mitchell is considered equivalent to network data). Claimed invention does not specifically claim **other information** as argued by applicant. It is inherent that network data is maintained on network server as shown in fig 3 (Mitchell et al.). Therefore applicant's arguments are not persuasive.

All other limitations are clearly cited in the rejection. Therefore applicant's arguments are not persuasive.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjiv D. Shah whose telephone number is (571) 272-4098. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sanjiv D. Shah
Primary Examiner
Art Unit 2627

S. Shah
November 28, 2005